UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

FRANCIS MCALLISTER,)
)
Plaintiff,)
)
vs.)   Case No. 1:05CV00059 AGF
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on Defendant's motion to reverse and remand this

Social Security disability case pursuant to sentence four of 42 U.S.C. § 405(g).[1]

Following a hearing on Plaintiff's application for supplemental security income, an

Administrative Law Judge ("ALJ") found that Plaintiff was not disabled. The decision of

the ALJ became the final decision of the Commissioner of Social Security, and Plaintiff

sought judicial review of the adverse ruling.

The Commissioner now states that upon remand, the Appeals Council of the Social

Security Administration will attempt to obtain materials identified by the Court as

missing from the administrative record, and that in the event that such materials cannot be

found, Plaintiff would be given the opportunity for a new hearing and a new decision

would be issued. Plaintiff has stated that she does not oppose the Commissioner's

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[1]   The parties have consented to the exercise of authority by the undersigned
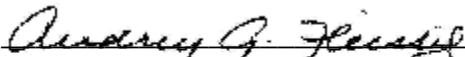United States Magistrate Judge under 28 U.S.C. § 636(c).

motion.

Sentence four of 42 U.S.C. § 405(g) provides that upon judicial review, "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." The Court concludes that the Commissioner's motion should be granted in this case.

Accordingly,

IT IS HEREBY ORDERED that Defendant's motion to reverse and remand the case is **GRANTED**. [Doc. #21]

A Judgment shall accompany this Memorandum and Order.

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AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

Dated this 5th day of June, 2007.

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